

COMBINED DECLARATION AND POWER OF ATTORNEY

As the below named inventor(s), I (we) hereby declare that:

My (Our) residence, post office address and citizenship(s) are as stated below next to my (our) name(s).

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Chromosome-Specific Staining to Detect Genetic Rearrangements, the specification of which is attached hereto.

I (We) hereby state that I (we) have reviewed and understand the contents of the above-identified specification, including claims.

I(We) acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I (We) hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

This Appln is a CIP of 659,974 filed 2/22/91  
Which is a CIP of 537,305 filed 6/11/90;  
Which is a CIP of 497,098 filed March 20, 1989;  
Which is a CIP of 444,669 filed December 1, 1989;  
Which is a CIP of 937,793 filed December 4, 1986;  
Which is a CIP of 819,314 filed January 16, 1986, now abandoned;  
Which is a CON of 382,094 filed July 19, 1989.

\*\*\*\*\*

POWER OF ATTORNEY:

As the named inventor(s), I (we) hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Names and Registration Nos.:

Henry P. Sartorio, Registration No. 28,535  
Leona L. Lauder, Registration No. 30,863

Please send all correspondence to:

Henry P. Sartorio  
Deputy Laboratory Counsel  
for Patents  
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P.O. Box 808 - L-703  
Livermore, California 94566

Please direct all telephone calls to:

Leona L. Lauder  
(415) 422-7274  
(FTS 532-7274

I(We) hereby declare that all statements made herein of my own (our) knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

<u>Joe W. Gray</u>	_____
Full Name of Inventor	Signature

<u>Livermore, California</u>	_____
Residence (City, State or Foreign Country)	Date

<u>1760 Lomas, Livermore, CA 94550</u>	<u>USA</u>
Postal Address (Street, City, State, Zip Code)	Citizenship

<u>Daniel Pinkel</u>	_____
Full Name of Inventor	Signature

<u>Walnut Creek, California</u>	_____
Residence (City, State or Foreign Country)	Date

<u>31 Manzanita Court, Walnut Creek, CA 94595</u>	<u>USA</u>
Postal Address (Street, City, State, Zip Code)	Citizenship

Olli-Pekka Kallioniemi  
Full Name of Inventor

\_\_\_\_\_  
Signature

Tampere, Finland  
Residence (City, State or Foreign Country)

\_\_\_\_\_  
Date

Liljankuja 4, SF-33300, Tampere, Finland  
Postal Address (Street, City, State, Zip Code)

Finland  
Citizenship

Anne Kallioniemi  
Full Name of Inventor

\_\_\_\_\_  
Signature

Tampere, Finland  
Residence (City, State or Foreign Country)

\_\_\_\_\_  
Date

Liljankuja 4, SF-33300, Tampere, Finland  
Postal Address (Street, City, State, Zip Code)

Finland  
Citizenship

Masaru Sakamoto  
Full Name of Inventor

\_\_\_\_\_  
Signature

Tokyo, Japan  
Residence (City, State or Foreign Country)

\_\_\_\_\_  
Date

4-1-10, Nishishinjuku #207 Shinjuku-ku, Tokyo, Japan  
Postal Address (Street, City, State, Zip Code)

Japan  
Citizenship

**5. Declaration or oath**

☒ Enclosed not executed  
executed by (check all applicable boxes)

☐ inventor(s).

☐ legal representative of inventor(s). 37 CFR 1.42  
or 1.43

☐ joint inventor or person showing a proprietary  
interest on behalf of inventor who refused to sign  
or cannot be reached.

☐ this is the petition required by 37 CFR 1.47 and the statement re-  
quired by 37 CFR 1.47 is also attached. See item 13 below for fee.

☐ Not Enclosed.

**WARNING:** Where the filing is a completion in the U.S. of an International Application but where a declaration is not available or where the completion of the U.S. application contains subject matter in addition to the International Application the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all the above named inventor(s). The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently.

**Note:** It is important that all the correct inventor(s) are named for filing under 37 CFR 1.41(c) and 1.53(b).

☐ Showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.41(d).)

**6. Inventorship Statement**

**WARNING:** If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

The inventorship for all the claims in this application are:

☒ The same

or

☐ Are not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

**7. Language**

**NOTE:** An application including a signed oath or declaration may be filed in a language other than English. A verified English translation of the non-English language application and the processing fee of \$30.00 required by 37 CFR 1.17(k) is required to be filed with the application or within such time as may be set by the Office. 37 CFR 1.52(d).

**NOTE:** A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

☒ English

☐ non-English

☐ the attached translation is a verified translation. 37 CFR 1.52(d).

**8. Assignment**

☒ An assignment of the invention to Regents of the University of California

☐ is attached.

☒ will follow.

**9. Certified Copy**

Certified copy(ies) of application(s)

(country)	(appln. no.)	(filed)
(country)	(appln. no.)	(filed)
(country)	(appln. no.)	(filed)

from which priority is claimed

☐ is(are) attached.

☐ will follow.

*Note: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 CFR 1.55(a) and 1.63.*

*NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.*

**10. Fee Calculation (37 CFR 1.16)**

A. ☒ Regular application

CLAIMS AS FILED						
Number filed		Number Extra		Rate	Basic Fee	
					<del>\$370.00</del>	\$630.00
Total				\$20.00		
Claims	47	- 20 =	27	X	<del>\$1200</del>	540.00
				\$60.00		
Independent						
Claims (37 CFR 1.16(b))	6 - 3 =	3	X	<del>\$60.00</del>		180.00
				<del>\$XXXX</del>		
Multiple dependent claim(s), if any						
(37 CFR 1.16(d))				\$120.00		

☐ Amendment cancelling extra claims enclosed.

☐ Amendment deleting multiple dependencies enclosed.

☐ Fee for extra claims is not being paid at this time.

*NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).*

Filing Fee Calculation

\$ 1,350.00

- B. ☐ **Design application**  
(\$150.00—37 CFR 1.16(f))

Filing Fee Calculation \$ \_\_\_\_\_

- C. ☐ **Plant application**  
(\$250.00—37 CFR 1.16(g))

Filing fee calculation \$ \_\_\_\_\_

**11. Small Entity Statement(s)**

- ☐ Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is(are) attached.

Filing Fee Calculation (50% of A, B or C above) \$ \_\_\_\_\_

*NOTE: Any excess of the full fee paid will be refunded if a verified statement and a refund request are filed within 2 months of the date of timely payment of a full fee. 37 CFR 1.28(a).*

**12. Request for International-Type Search (37 CFR 1.104(d)) (complete, if applicable)**

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

**13. Fee Payment Being Made At This Time**

- ☐ Not Enclosed

- ☐ No filing fee is to be paid at this time. (*This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.*)

- ☒ Enclosed

☒ basic filing fee \$ 1,350.00

☐ recording assignment  
(\$8.00; 37 CFR 1.21(h)) \$ \_\_\_\_\_

☐ petition fee for filing by other  
than all the inventors or person  
on behalf of the inventor where  
inventor refused to sign or cannot  
be reached. (\$120.00; 37 CFR  
1.47 and 1.17(h)) \$ \_\_\_\_\_

☐ for processing an application with  
a specification in a non-English  
language. (\$30.00; 37 CFR 1.52(d) and  
1.17(k)) \$ \_\_\_\_\_

☐ processing and retention fee  
(\$120.00; 37 CFR 1.53(d) and 1.21(l))

☐ fee for international-type search report (\$30.00;  
37 CFR 1.21(e)). \$ \_\_\_\_\_

*NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as the changes to 37 CFR 1.53 and 1.78, indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid or the processing and retention fee of § 1.21(l) must be paid within 1 year from notification under § 53(d).*

**Total fees enclosed** \$ 1,350.00

14. Method of Payment of Fees

- ☒ Check in the amount of \$ 1,350.00
- ☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_. A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

15. Authorization to Charge Additional Fees

**WARNING:** If no fees are to be paid on filing the following items should **not** be completed.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

- ☐ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. \_\_\_\_\_:
- ☐ 37 CFR 1.16(a), (f) or (g) (filing fees)
- ☐ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 CFR 1.17 (application processing fees)

**WARNING:** While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 C.F.R. 1.136(a) is to no avail unless a request or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . issue fee". From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

16. Instructions As To Overpayment

- ☐ credit Account No. \_\_\_\_\_
- ☒ refund

Reg. No. 30,863

Tel. No. (415) 422-7274

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SIGNATURE OF ATTORNEY  
Leona L. Lauder

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701  
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